
HOUSE BILL 1931

State of Washington 60th Legislature 2007 Regular Session

By Representatives Blake, Kretz, Grant, Newhouse, Hankins, Buri, DeBolt, Morris, Williams, Linville, Hinkle and Dunn

Read first time 02/01/2007. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to agricultural activities occurring on
2 agricultural lands; amending RCW 36.70A.060; adding new sections to
3 chapter 36.70A RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout sections 2 and 3 of this act unless the context clearly
7 requires otherwise.

8 (1) "Agricultural activities" means agricultural uses and practices
9 including, but not limited to: Producing, breeding, or increasing
10 agricultural products; rotating and changing agricultural crops;
11 allowing land used for agricultural activities to lie fallow in which
12 it is plowed and tilled but left unseeded; allowing land used for
13 agricultural activities to lie dormant as a result of adverse
14 agricultural market conditions; allowing land used for agricultural
15 activities to lie dormant because the land is enrolled in a local,
16 state, or federal conservation program, or the land is subject to a
17 conservation easement; conducting agricultural operations; maintaining,
18 repairing, and replacing agricultural equipment; maintaining,

1 repairing, and replacing agricultural facilities, when the replacement
2 facility is no closer to the shoreline than the original facility; and
3 maintaining agricultural lands under production or cultivation.

4 (2) "Agricultural land" means those specific land areas on which
5 agriculture activities are conducted.

6 (3) "Center" means the William D. Ruckelshaus center at Washington
7 State University and the University of Washington.

8 NEW SECTION. **Sec. 2.** (1) Beginning July 1, 2007, the center shall
9 design and carry out a process to identify issues that cause conflicts
10 between agricultural activities occurring on agricultural lands and
11 development regulations to protect critical areas.

12 (2) The center shall involve stakeholders from diverse perspectives
13 in the process, including but not limited to representatives of
14 counties, cities, the agriculture industry, the environmental
15 community, Native American tribes, and state agencies.

16 (3) By October 1, 2008, the center shall report to the governor and
17 the appropriate committees of the legislature its findings and
18 recommendations for resolving or reducing these conflicts, including
19 statutory changes for consideration during the 2009 legislative
20 session.

21 NEW SECTION. **Sec. 3.** (1) Development regulations that protect
22 critical areas adopted under this chapter do not apply to agricultural
23 activities occurring on agricultural land until there is a resolution
24 of issues causing conflicts between such activities and regulations.
25 The legislature intends this act to be curative, remedial, and to apply
26 retroactively and prospectively to development regulations that protect
27 critical areas adopted under this chapter.

28 (2) This chapter does not exempt from development regulations to
29 protect critical areas: (a) New agricultural activities on land not
30 meeting the definition of agricultural land; (b) conversion of
31 agricultural lands to other uses; or (c) development not meeting the
32 definition of agricultural activities.

33 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each
34 added to chapter 36.70A RCW.

1 **Sec. 5.** RCW 36.70A.060 and 2005 c 423 s 3 are each amended to read
2 as follows:

3 (1)(a) (~~Except as provided in RCW 36.70A.1701,~~) Each county that
4 is required or chooses to plan under RCW 36.70A.040, and each city
5 within such county, shall adopt development regulations on or before
6 September 1, 1991, to assure the conservation of agricultural, forest,
7 and mineral resource lands designated under RCW 36.70A.170.
8 Regulations adopted under this subsection may not prohibit uses legally
9 existing on any parcel prior to their adoption and shall remain in
10 effect until the county or city adopts development regulations pursuant
11 to RCW 36.70A.040. Such regulations shall assure that the use of lands
12 adjacent to agricultural, forest, or mineral resource lands shall not
13 interfere with the continued use, in the accustomed manner and in
14 accordance with best management practices, of these designated lands
15 for the production of food, agricultural products, or timber, or for
16 the extraction of minerals.

17 (b) Counties and cities shall require that all plats, short plats,
18 development permits, and building permits issued for development
19 activities on, or within five hundred feet of, lands designated as
20 agricultural lands, forest lands, or mineral resource lands, contain a
21 notice that the subject property is within or near designated
22 agricultural lands, forest lands, or mineral resource lands on which a
23 variety of commercial activities may occur that are not compatible with
24 residential development for certain periods of limited duration. The
25 notice for mineral resource lands shall also inform that an application
26 might be made for mining-related activities, including mining,
27 extraction, washing, crushing, stockpiling, blasting, transporting, and
28 recycling of minerals.

29 (2) Each county and city shall adopt development regulations that
30 protect critical areas that are required to be designated under RCW
31 36.70A.170. For counties and cities that are required or choose to
32 plan under RCW 36.70A.040, such development regulations shall be
33 adopted on or before September 1, 1991. For the remainder of the
34 counties and cities, such development regulations shall be adopted on
35 or before March 1, 1992.

36 (3) Such counties and cities shall review these designations and
37 development regulations when adopting their comprehensive plans under

1 RCW 36.70A.040 and implementing development regulations under RCW
2 36.70A.120 and may alter such designations and development regulations
3 to insure consistency.

4 (4) Forest land and agricultural land located within urban growth
5 areas shall not be designated by a county or city as forest land or
6 agricultural land of long-term commercial significance under RCW
7 36.70A.170 unless the city or county has enacted a program authorizing
8 transfer or purchase of development rights.

9 (5) The application of this section is subject to section 3 of this
10 act.

11 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and takes effect
14 immediately.

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